

## CLAS CIRCULAR 2022/10 (10 August 2022)

### Disclaimer

**CLAS is not qualified to advise on the legal and technical problems of members and does not undertake to do so. Though we take every care to provide a service of high quality, neither CLAS, the Secretary nor the Governors undertakes any liability for any error or omission in the information supplied.**

It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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## CHARITIES & CHARITY LAW

### Charities Act 2022: information about the changes being introduced

For information **and possibly for action**

The Charity Commission has released [guidance](#) for charities on changes to expect as a result of the staged entry into force of the Charities Act 2022 that will amend the Charities Act 2011. The changes will come into force this autumn and throughout 2023, and the Charity Commission will publish updated guidance when the changes take effect. The guidance covers:

- [Paying trustees for providing goods to the charity;](#)
- [Making moral or 'ex gratia' payments from charity funds;](#)
- [Fundraising appeals that do not raise enough or raise too much;](#)
- [Power to amend Royal Charters;](#) and
- [Other provisions.](#)

[Source: Charity Commission, 4 August]

### Charity registration for excepted congregations?

For information **and possibly for action**

A large number of smaller places of worship in England and Wales are not registered with the Charity Commission because their income does not exceed the £100,000 registration threshold. Some have experienced difficulties when applying for local authority grants because they cannot provide a charity registration number as "proof" that they are charities.

The traditional view of the Commission has been that nothing can be done about that: a charity is either registered or it is not, but that position appears to be changing. In an exchange with Gethin Rhys, Policy Officer of Cytûn, the Commission's Senior Case and Performance Manager, Registration, Mike James, has said this:

'If an excepted church with an income of less than £100,000 has issues attracting funds, or even attracting a preferential bank deal, because they are not registered, we are happy to register them if they advise us of this.

Hopefully we will also shortly be starting a voluntary registration programme for excepted charities also; but in the meantime, if they just let us know that they are having issues without a registered number, we are happy to consider a registration application.'

The contact is Mr James, at [registrationapplications@charitycommission.gov.uk](mailto:registrationapplications@charitycommission.gov.uk).

[Source: Cytûn Policy Bulletin, August / September 2022]

## EMPLOYMENT

### Employment status: the consultation outcome and guidance

For information

The UK Government has published its [response](#) to its consultation on employment status. In brief, a large number of respondents supported employment status reform but there was no overall consensus on how to do it. There was agreement that there was no easy solution and that it would be complex to implement any reform. The majority of respondents from all categories also felt that the “worker” category remained helpful and should be retained, with some citing the flexibility it allows individuals and businesses in an evolving labour market.

In the accompanying press release, the Government recognises that the employment status framework for rights works for the majority, but that boundaries between the different statuses can be unclear for some individuals and employers:

“However, the benefits of creating a new framework for employment status are currently outweighed by the potential disruption associated with legislative reform. Although such reform could help bring clarity in the long term, it might create cost and uncertainty for businesses in the short term, at a time where they are focusing on recovering from the pandemic.”

At the same time, the Government published a suite of new Guidance on employment aimed at three different audiences:

- [Employment status and employment rights: guidance for HR professionals, legal professionals and other groups](#);
- [Employment status and rights: support for individuals](#); and
- [Employment status and rights: checklist for employers and other engagers](#).

[Source: BEIS, 26 July]

## FAITH & SOCIETY

### Marriage and Civil Partnership (Minimum Age) Act 2022: implementation

**For action**

The Government has [announced](#) that the [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) will be brought into effect on Monday 27 February 2023. 16- and 17-year-olds will no longer be able to marry or enter a civil partnership in England and Wales under any circumstances, including with parental or judicial consent, from 26 February 2023.

[Source: MoJ, 9 August 2022]

## ODDS & ENDS

### Disclosure and barring

For information **and possibly for action**

The Disclosure & Barring Service has issued new [guidance on eligibility for DBS checks](#) in relation to people in the charity sector and overseas aid organisations. It applies in England, Wales, the Channel Islands and the Isle of Man, and there is separate guidance for those who work with children and for those who work with adults:

- [Working with children in the charity sector and overseas aid organisations.](#)
- [Working with adults in the charity sector and overseas aid organisations.](#)

The guidance reminds readers that it applies not only to registered charities but also to unregistered ones: for example, to church congregations currently excepted from registration and to Scout and Guide groups.

[Source: Disclosure & Barring Service, 14 July]

### National Lottery – Putting Communities First

For information **and possibly for action**

The National Lottery Community Fund is [inviting](#) people to be involved in the [reshaping of the Fund's UK-wide strategy](#). It has released [a video](#) to start a conversation on how the Fund can best support UK communities. In the last five years, £3.4 billion in funding has been awarded through over 72,000 grants.

[Source: National Lottery, 26 July]

## PROPERTY & PLANNING

### Listed Buildings Protection

For information

Paul Maynard MP [introduced](#) a Westminster Hall debate on listed buildings protection, particularly focusing on the protection (or lack of it) for buildings in England as the process of listing assessment is carried out.

[Source: *Hansard*, 19 July]

### Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

For information **and possibly for action**

DLUHC has [published](#) updated guidance to reflect new requirements on smoke and carbon monoxide alarms in the social rented sector and new requirements on carbon monoxide alarms in the private rented sector, which come into force on 1 October 2022.

[Source: DLUHC, 29 July]



## TAXATION

### Consultation on Digitising Business Rates

For information **and possibly for action**

HMRC has [published](#) a consultation - closing 30 September - on policy and IT design options to deliver the Government's commitment to digitise business rates. The aim is to join up existing tax data with business rates data held across government to allow:

- opportunities for better targeting of business rates policy, including reliefs, in the future by having access to more comprehensive data;
- more effective compliance; and
- a better experience of the business rates and wider tax system for businesses, including the ability better to understand and review their tax liabilities in one place.

[Source: HMRC, 20 July]

### Review of hybrid and distance working scoping document

For information **and possibly for action**

The Office of Tax Simplification (OTS) has [published](#) a scoping document for a new review on hybrid and distance working. The scoping note sets out the themes of the planned Call for Evidence on the emerging trends and tax implications of hybrid and distance working.

This is planned to be a high-level evidential review of the extent to which hybrid and distance working is likely to increase, whether this trend involves more working across borders, and whether the changes in working practices give rise to any tax complexity or challenges for employers and employees, as well as for small businesses.

[Source: Office of Tax Simplification, 27 July]

## WALES

### Consultation on the regulations reforming the Non-Domestic rates appeals system for Wales

**For information and possibly for action**

The Welsh Government has [published](#) a consultation – closing 11 October – on proposals to reform the Non-Domestic rates appeals system for Wales. This is a technical consultation on the draft Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023 ('the draft Regulations'), which will provide for the adoption of the Valuation Office Agency's digital platform for Wales and a small number of additional changes to the arrangements for appeals to the Valuation Tribunal for Wales. The draft Regulations are attached at [Annex A](#).

[Source: Welsh Government, 19 July]

### Draft Non-Domestic Rating (Property in Common Occupation) (Wales) Regulations 2022

**For information and possibly for action**

The Welsh Government has [published](#) a consultation – closing 16 September – on when it will treat two or more units of property as one for valuation purposes. The draft Regulations are [here](#).

[Source: Welsh Government, 4 August]

### The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022

**For information**

The Welsh Government has published [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022](#). The Regulations make saving and transitional provisions in relation to the Renting Homes (Wales) Act 2016. The Welsh Government has also published an accompanying [explanatory memorandum](#).

[Source: Welsh Government, 15 July]